

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION**

Civil Action No. 4:11-CV-00094-BO

BRUCE BANNISTER; MAX DUTTON;  
and MARION TOWLES;

Towles,

vs.

WAL-MART STORES EAST, L.P.,

Defendant.

**APPENDIX TO DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT REGARDING MAX  
DUTTON'S CLAIMS**

**F-4**

**Declaration of Tracey Battle Exhibit 4**  
Handwritten Witness Statements (6/12/2009)

June 12, 2009

To Whom It May Concern:

Today I was interviewed and asked several questions about some of the situations in Store #2000 Kitty Hawk, N.C. This is my statement UPC Clerk Teresa Sharfelter does sit in on ~~Conference~~ Calls, even when the question is asked: "Are only salaried members of management in the office on this call?" Teresa Sharfelter always looks at and answers Max Dutton's e-mail even when he is not in the store. Teresa Sharfelter and Max do eat lunch together in the Subway at the front of the store. Teresa Sharfelter has left the store for lunch, right after Max has left the store. Assistant Manager Sammy left right after them and told me, "Max just called me and wants me to meet them down the road for lunch." Approximately 1 1/2 weeks ago Max Dutton, Teresa Sharfelter, Sammy Mariner, and Debbie Gibson has to all go to an Attorney's office for a deposition. Debbie Gibson was back ~~in~~ in the store about 30 minutes after

She left, and told me that the deposition had been cancelled. 15 minutes later, Sammy came back. 2 1/2 later Teresa Sharfelter came back. Teresa said, Tracy, I need to charge my time, I need you to adjust my time. I was running errands with Max. I told her, "No, I can't do that!" I then walked away, because another Associate was needing my assistance. Teresa's time did get adjusted, but I do not know by whom. We can have bare overtime hours. but Max lets Teresa have 50 plus hrs. a week. At the Dept. Manager meetings, it starts upbeat and in the middle of the meeting, Max brings the morale down. He makes comments like: "If you want to keep your jobs, you need to focus on your instock." Max has all the Dept. Managers afraid of the entire Market Team, especially the Market Manager - Eric. Max makes comments to the Dept. Managers like: "I wouldn't want to be you if Eric comes in here and sees that dented shelf. It will be real ugly, I don't want to be here for that."

Max is a very powerful person in the store and community. A lot of associates fear him for this reason. Max likes to play the assistants against each other. Telling myself + Sammy to leave notes for the 3<sup>rd</sup> shift assistants. Debbie Bearers (3<sup>rd</sup> Shift Assistant) made the comment to me, "Max said, I am too easy on you." I said, "Excuse me?" Debbie said, "I let you leave 15 to 30 minutes after your schedule." I replied, "Debbie, we are short handed already, I set one day a week off. At the end of this week Friday June 12<sup>th</sup>, I will have 67 hrs. in." The 3<sup>rd</sup> shift assistants have also been made to stay till 10:00 A.M. or 11:00 A.M. when their shift was over at 8:00 A.M. Max does hold the female assistants to a higher standard. He is constantly pasing myself or Debbie for everything, when other assistants are here. On June 11, 2009. Sammy had an eval due. Sammy was on vacation, so I was going to cover it with the associate. I found out the associate was off. I called Sammy on his cellphone, he said, "Do the eval over the phone." I said, "No, we can't

do that." el hung up and had to step out to the restroom. el asked Debbie Gibson to let Max know about the eval. When el came back, Debbie said, "Max said, to go ahead and key it in the system and cover it tomorrow." el replied, "YD, that is against the policy." el had Debbie call Sammy to call the Associate to come in and be paid for 4 hrs. to cover his eval. Sammy came in to cover another eval, but el covered the one that was due that day when the Associate came in. Art is a volunteer that sits up front and sells tickets for donations to CMW, Max or Teresa go to pick him up and bring him to the store to do this. One day while sitting in Max's office with him, he said to me: "Jacy, I made the Pepsi Vendor give me a \$500.00 donation for CMW." el looked at him funny and he said, "Let me re-phrase that, they offered a \$500.00 donation." There was also a paper in the receiving area asking for donations. el gave that to APC Kim Grant.

Asst. mgr.

Jacy Nelson



On Wednesday July 22, 2009 I spoke with Dwana Riddick & Tracey Bittle about the fund raising efforts here at store #2000. Tracey asked me in detail about CMN donations & requests being made to vendors. I told her that a form was made up & that I was only aware of one vendor who gave us a check that was George Marshall who sent a check for \$500.00. He wanted to make a donation while here one day & did not have his checkbook. So he sent us a check for \$500.00 to honor his daughter who spent a good deal of time in a children's hospital due to a brain tumor. This is the only check I recall receiving. ~~I~~ Tracey then asked me about Art Glidden extensively. I explained that Art is a local gentleman who volunteers a great deal of his time in the community. He does his work (The Jay Fund) through the local fire department. He has never been allowed to ~~raise~~ raise money for CMN & he direct that money to the Jay Fund. Any money received through our local frat foundations has been given directly to the Fire Department who holds the 501(c)(3). The Jay Fund provides Christmas for families in need here in Davie County. She questioned me about a child that died & we were raising money for him & the getting a matching grant. I told her I did not recall this situation at all. When asked about the form I did type the form as per directed by Max.   
Teresa Shafetto

Tracy and Dawana called myself into the managers office. I was asked if I had gone to pick up Mr. Didden. I answered yes, at Auts place. I picked Mr. Didden up two times. I was asked what he was doing in the store. I answered that he was doing a raffle. I was asked who had sent me. I answered once by Max and once by Teresa Shanfetter. I was asked how long of a distance and did I receive travel expense. The answer was about 1 to 1 1/2 mile and no travel expense.

Rita Butler

7.22.09

- Meeting with Tracey & Dawamin from Market Office  
(July 7, 2009) 11:30 am

In this meeting I was asked a series of questions. These questions were mostly about Venders, Art Gildin, Teresa Shampfelter, and Max Dutton. I stated that Art was a fixture in the community and has done several things in the past to raise money for the children. Not only in our store but other stores and businesses in our community. He has his own organization called the (Joy Fund) that he raises money at Christmas time for local children. He received the Governor's award for his charitable causes. He was always on a volunteer basis.

I was asked about who did the drawing for the \$500.00 gift card and if I knew who won.

I was asked about Teresa Shampfelter going to lunch with management. I answered that she had in the past and also at Subway inside the store. I was asked about her job functions and how she sat in on any conference calls. My answers were, she pays the bills, very knowledgeable associate, and she has sat in on conference calls but not since the last Market Visit.

I was asked about receiving any donations from vendors and about a piece of paper with asking vendors for donations. My answers were, I am not aware of any solicitation and I had never seen the solicitation form; I had only heard one



man commit about giving to CMA and that was Charlie Lispery from (George Moushall Co) I don't know if he or anyone actually donated any money.

I was asked if Met was as fair to the women as he was the men (in management or associates) My answer was that I think across the board he was the same to each.

I was asked if the associates felt intimidated or threatened in the morning meetings. My answer was I felt that maybe more intimidated because of the standard we hold them too.

I stated that its my desire to be as honest as I can and I wouldn't try to hide anything or lie about anything; I would be available if needed for anything.

Thank You,  
Sunny Morrison  
Assistant Manager  
Store 2000, Kitty Hawk, NC.

**Tracey Battle**

**From:** Redacted  
**To:** Tracey Battle  
**Cc:**  
**Subject:** Fwd: MAX STORE 2000  
**Attachments:**

**Sent:** Thu 9/10/2009 20:27

**From:** tonjaobx2000@yahoo.com  
**To:** Redacted  
**Sent:** 4/2/2009 2:07:23 P.M. Eastern Daylight Time  
**Subj:** Re: MAX STORE 2000

--- On Tue, 3/31/09, tonjaobx2000@yahoo.com <tonjaobx2000@yahoo.com> wrote:

**From:** tonjaobx2000@yahoo.com <tonjaobx2000@yahoo.com>  
**Subject:** MAX STORE 2000  
**To:** Redacted  
**Date:** Tuesday, March 31, 2009, 12:39 PM

TONJA MOORE--EX ASSISTANT MANAGER (STORE 2000) ABOUT MAX DUTTON---STORE MANAGER

**JOB RELATED**

1. LOOK AT TERESA SCH. (UPC ASSOCIATE---HOURLY)  
LOOK AT OVERTIME HOURS. MAX ALLOWS HER TO WORK ALL THE  
OVERTIME SHE WANTS DUE TO HER DOING ALL HIS WORK.  
TERESA HAS TO  
STAY OVER AND WORK WEEKENDS TO TRY TO KEEP UP HER  
WORK IN HER  
OFFICE. TERESA USUALLY WORKS TIL 6 OR 7PM EVERY DAY AND  
ALSO  
EVERY SATURDAY. MAX REPORTS TO THE MARKET TEAM THAT  
SHE IS  
WORKING AS A CSM OR ON REGISTER OR DSD. SHE NEVER  
WORKS AS CSM  
AND AS FAR AS DSD MARK SAW. OR SHIRLEY CRA. WORKS DSD ON  
SATURDAY. TERESA USUALLY CLEARS ON HER CHECK \$1,700.00 .  
ALL OVERTIME!!!!!!!!!!
2. THE MARKET TEAM NEEDS TO CHECK ALL THE ASSISTANTS  
SHRINK MATRIX.

<https://webmail.wal-mart.com/exchange/t2battl/Inbox/Fwd:%20MAX%20STORE%20200...> 9/11/2009

IT'S NOT THIER FAULT IT IS NOT DONE AND WAY BEHIND. ALSO  
THE TOUR

BOOKS ARE NOT COMPLETE. THE ASSISTANTS HAVE ALWAYS  
DONE EVERY-

THING THAT GOES ON PAPER BUT MAX WILL NOT LET THE  
ASSISTANTS

SIT DOWN TO DO ANY PAPER WORK. IF YOU DID AND HE SAW YOU  
MAX

WOULD MAKE IT A BIG DEAL AND CALL THE ASSISTANT AN OFFICE  
MONGRUIL.

3. WHEN AN ASSISTANT WOULD GET A SCHEDULED DAY OFF HE  
WOULD

ALWAYS MAKE COMMINTS ( HOW WAS YOUR VACATION OR YOU  
HAD

ANOTHER DAY OFF ) HE WOULD SAY THIS IN FRONT OF  
ASSOCIATES.

HE MADE YOU FEEL GUILTY IF YOU HAD A SCHEDULED DAY OFF.

4. MAX GOES TO LUNCH WITH TERESA SCH. (UPC ASSOCIATE) DAILY.

5. MAX ALWAYS LETS TERESA SCH. SET IN ON ALL CONFERECE  
CALLS (EVEN

WHEN THE ASSISTANTS WERE NOT ALLOWED) THE LAST ONE  
WAS ON

2-19-2009 OR 2-20-2009. TONY, SAMMY AND TONJA WERE ALL  
THERE THAT

DAY AND MAX SAID WE COULD NOT BE IN ON IT. IT WAS MAX AND  
TERESA.

6. WHEN MAX WOULD TALK TO ANY ASSISTANT HE WOULD ALWAYS  
HAVE

TERESA SCH. IN THERE ALSO.

7. MAX HAS ACTUALLY TOLD ME ON TWO DIFFRENT OCCASIONS  
THAT HE LOVES

TO PUSH (JAQUELINE A. AND TERESA CHA.) TO WERE THEY  
ALMOST CRY.

WHILE MAX WAS SAYING THIS BOTH TIMES HE WOULD RUB HIS  
HANDS

TOGETHER.

8. IN FRONT OF ALL THE OTHER ASSISTANTS AND ASSOCIATES HE  
WOULD PUT

THE ASSISTANT THAT WAS NOT THERE, DOWN. IF MAX FEELS  
CERTIN WAYS

ABOUT ANY ASSISTANT HE NEEDS TO KEEP IT TO HIMSELF OR  
WITH THAT

ASSISTANT, NOT THE ENTIRE STORE.

9. ALL ASSOCIATES IN THE ENTIRE STORE, BE IT AN HOURLY OR MANAGEMENT ARE AFRAID TO SAY ANYTHING. THEY ARE AFRAID MAX WOULD BE HARDER ON THEM OR EVEN A FEW OF THEM ARE AFRAID THEY WILL LOOSE THIER JOB.
- ✓ 10. TERESA SCH. TYPED ALL THE ASSISTANTS EVALS. AND EMAILED THEM TO THE MARKET. THERE AGAIN SHE IS AN HOURLY ASSOCIATE. AS ASSISTANTS WE DID NOT EVEN KNOW WHAT OUR EVALS. WERE. TERESA WAS ALSO IN MAX'S OFFICE WITH THE DOOR SHUT AND SOME- TIMES LOCKED WHILE SHE WAS DOING THIS.
11. MAX FOR THE MOST PART WOULD ALWAYS SAY, HE RUNS THAT STORE NOT THE MARKET. MAX WOULD ALWAYS SAY IF HE WOULD GO DOWN THEN WE ALL WOULD GO DOWN TOGETHER AND WE JUST OPEN OUR OWN STORE.
12. AS ASSISTANTS OR ANY ASSOCIATE HOW DARE WE CALL ANY OTHER STORE TO ASK A QUESTION. MAX WOULD ALWAYS SAY WE HAVE ALL THE ANSWERS HERE AT KITTY HAWK. MAX THOUGHT IT MADE HIM LOOK BAD IF WE ASKED A QUESTION TO A SISTER STORE.
13. IF YOU WERE THE OPENING ASSISTANT YOU WERE EXPECTED TO STAY UNTIL MAX LEFT. IF MAX WAS THERE UNTIL 6 OR 7PM YOU WERE THERE UNTIL THEN. IT WAS SAID IT WAS A FORM OF RESPECT.
14. MAX ALSO HAS WENT BEYOND AND ABOVE FOR ONE ASSOCIATE. JONATHAN BRY. AS MANAGEMENT WE WOULD TRY TO HELP HIM. JONATHAN HAS SOME LEARNING DISABILITIES AND MENTAL ISSUES. MAX GOT HIM IN SCHOOL AND HAS BEEN HELPING HIM, BUT IT WAS GETTING OUT OF CONTROL. MAX HAS A FILE IN MAX'S FILEING CABINET THAT IS JONANTHANS. IN THIS FILE IS MONEY IN AN ENVELOPE (THAT WAS BEING

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USED AS A SAVINGS ACCOUNT) ALSO HIS CAR INSURANCE  
 RECIEPTS,  
 CAR PAYMENT RECIEPTS, ECT.....ALSO DOC. APPOINTMENTS .  
 WHEN  
 MANAGEMENT WOULD GIVE HIM MONEY OUT OF THE ENEVELOPE  
 WE  
 WOULD SIGN OUR ANITIALS AND DATE IT.

PERSONAL RELATED TO TONJA MOORE---EX ASSISTANT MANAGER  
 STORE 2000

KITTY HAWK. MAX DUTTON STORE MANAGER  
 STORE  
 2000 KITTY HAWK..

1. WHEN I TONJA MOORE WAS A SUPPORT MANAGER ON 3RD SHIFT.  
 EVERY  
 MORNING WHEN MAX AND MYSELF WOULD HAVE OUR MEETING  
 HE WOULD  
 ALWAYS TELL ME EVERYTHING I DID WRONG AND NEVER  
 ANYTHING I  
 DID RIGHT. MAX WOULD ON A NUMBER OF OCCASIONS WOULD  
 TAKE HIS  
 FINGER AND POKE ME IN THE ARM OVER AND OVER UNTIL HE  
 WOULD  
 PUSH ME TO CRY AND THEN HE WOULD ALWAYS LOOK AT ME AND  
 SAY  
 I AM JUST TRYING TO GET YOU TO GROW THICK SKIN. MAX DID  
 THIS FOR  
 2 YEARS.

2. MAX WAS ALWAYS TRYING TO CORRECT THE WAY I TALK. I WAS  
 NEVER  
 DISRESPECTFUL. I AM FROM W.VA. AND WE SAY SOME WORDS  
 DIFFRENT  
 THAN HERE IN NORTH CAROLINA. HE STARTED DOING THIS OVER  
 THE  
 WALKIES TO WERE EVERYONE COULD HEAR HIM. SOME OF THE  
 WORDS  
 WERE BUGGIES OR POP ECT....SO THE ASSOCIATES THAT WOULD  
 HEAR THIS  
 WOULD ALSO COME UP TO ME AND MAKE FUN OF ME.

3. MAX ALL DAY LONG EVERY DAY MADE FUN OF ME BECAUSE I DO  
 NOT EAT  
 MEAT. HE WOULD ALWAYS SAY I COULDN'T BE HEALTHY BECAUSE  
 I DON'T  
 EAT MEAT. TERESA IS THE MANAGER OF SUBWAY IN OUR  
 WALMART,  
 WHILE I WOULD ORDER HE WOULD ALWAYS TELL HER TO DOUBLE

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THE  
ROAST BEEF OR THE MEAT, EVERY SINGLE TIME I WOULD TRY TO  
EAT AND  
WHILE I WAS EATING I HAD TO LISTEN TO HIM MAKE FUN OF ME.

4. ONE DAY MAX CAME IN THE OFFICE AND HE CALLED ME IN THERE  
AND

HE PULLED OUT A 8 BY 10 PICTURE THAT WAS MY ASSISTANT  
MANAGER

PICTURE FROM OUTSIDE MAX'S OFFICE THAT HE HAD BLOWN UP  
AND HAD

A STATEMENT ADDED TO THE BOTTOM OF THE PICTURE THAT  
STATED-----

I NEED PROTIN. I LIKE BEING SICK. HE HAD SHOWN THES  
PICTURES TO A

ASSOCIATES, I THINK ANN, TERESA SCH., TERESA CHA, ALL THE  
ASSISTANTS AND OF COURSE WHYNN D IN PHOTO. I THINK HE  
WAS THE ONE

WHO ADDED THE WORDS TO THE BOTTOM OF THE PICTURE--NOT  
SURE. I

CAN NOT REMEMBER EVERYONE HE SHOWED. HE WOULD CARRY  
THESE

PICTURES AROUND WITH HIM IN HIS BLACK BREIF CASE FOR A  
FEW WEEKS.

5. ONE DAY SOON AFTER MAX CALLED ME TO THE OFFICE AND HAD  
A DOC.

DIET PLAN AND EXERCISE PLAN. THE PLAN IS ABOUT 15 TO 20  
PAGES LONG.

MAX TOLD ME HE WANTED ME TO FOLLOW IT BECAUSE THERE  
WAS NO

WAY I COULD BE HEALTHY. HE TOLD ME TO SUBSITUTE THE MEAT  
POR-

TION OF THE PLAN WITH MY SOY PRODUCTS BUT I NEEDED TO  
EAT MORE

FRUITS AND VEGITABLES. THAT DAY HE ALSO HANDED ME A COPY  
OF

THE PICTURE AND LAUGHED AND SAID YOU THINK THATS THE  
ONLY COPY

I HAVE PLENTY MORE AND THATS WHEN HE SHOWED ME HE HAD  
10 OR

MORE COPIES IN HIS BLACK BAG.

6. MAX HAS ALWAYS BEEN HARDER ON WEMON THAN ON MEN. HE  
WAS

ALWAYS HARDER ON ME THAN THE OTHER ASSISTANTS.

7. IF YOU ASK ANY OTHER ASSISTANT NO MATTER WHAT SHIFT THEY  
ARE

ON THEY WILL TELL YOU HE TREATED ME DIFFRENT PUSHING ME  
 MAKEING  
 FUN OF ME ECT.....ALL THE OTHER ASSISTANTS HATED WORKING  
 WITH  
 ME BECAUSE THEY SAID MAX WAS ALWAYS WORSE, WITH HIS  
 ATTITUDE  
 ECT....

8. I HAD MENTIONED TO MAX THAT I WAS WANTING TO GO TO  
 FLORIDA AND HE  
 TOLD ME NEVER TO LET THE MARKET KNOW BECUSE YOU ALL  
 WOULD  
 LOOK BAD AT ME BECAUSE I WAS WANTING TO LEAVE THE  
 MARKET. ALSO  
 AS SOON AS I MENTIONED IT I HAD TO HEAR IT EVERY DAY, THAT I  
 DON'T  
 CARE ABOUT THIS STORE ANY MORE AND I AM ALREADY DOWN  
 THERE.  
 THE ASSOCIATES AREN'T WORKING FOR YOU ANYMORE THEY  
 HAVE GAVE  
 UP BECAUSE YOU ARE LEAVING THEM ECT....AND NONE OF THAT  
 WAS TRUE  
 ALL THE MARKET TEAM HAS TO DO IS ASK ANY OF THE  
 ASSOCIATES THEY  
 WILL TELL YOU THE TRUTH. ALSO THIS REALLY MADE ME  
 MAD.....  
 MAX LISTENED IN ON MY VERY FIRST INTERVIEW WITH A STORE IN  
 FLORIDA.  
 WHEN I GOT OFF THE PHONE HE CAME DOWN THERE AND MADE A  
 COMMINT  
 ABOUT SOMTHING I SAID DURING MY INTERVIEW. THE ONLY WAY  
 HE WOULD  
 HAVE KNOWN ANY PART OF THAT HE HAD TO HAVE LISTENED.  
 DURING THE  
 INTERVIEW I WAS ASKED A QUESTION ABOUT BALANCING DAILY  
 TASK. I  
 ANSWERED IT'S LIKE BEING IN A DIVISION 1 STORE ALOT OF TIMES  
 YOU RUN  
 THE ENTIRE STORE. IF YOU HAVE A GUN SALE YOU HAVE 3  
 ASSOCIATES  
 WAITING ON YOU AND THEN YOU ALSO HAVE A CALL AT THE  
 SERVICE  
 DESK. SO I TOLD THEM IN PRIORITY WHAT YOU WOULD HAVE TO  
 DO FIRST.  
 THEN MAX WHEN HE CAME DOWN TO THE OFFICE WHEN I WAS DO  
 WITH  
 THE INTERVIEW HE WAS MAKING RUDE COMMINTS LIKE SINCE  
 YOU RUN  
 THE WHOLE STORE BY YOURSELF AND I AM NO BODY AND YOU

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RUN FROM THE GUN SALE TO THE SERVICE DESK AND HELPING  
ALL  
THE ASSOCIATES YOU DON'T NEED ME WHO AM I???????? HE  
WASN'T NICE  
ABOUT IT AT ALL. SO I HEARD ABOUT THAT FOR A FEW DAYS. HE  
INVADED  
MY PRIVACEY.

9. MAX ALSO CUSES ALL THE ASISSTANTS.

10. RECENTLY MAX HAS PUT ME AND THE OTHER ASSITANTS DOWN  
IN FRONT  
OF ASSOCIATES. HE WILL NOT SHUT THE DOORS AND HE BEGINS  
TO YELL.  
CHERYL HER. SPORTINGGOODS DEPT. MANAGER HEARD HIM  
LAST TIME.  
THIS TIME WAS IN PERSONAL WHEN TERESA SCH. AND DEBBIE  
GIBBSON,  
AND CHERYL HER WAS OUTSIDE THE OFFICE AND HE DIDN'T SHUT  
THE DOOR.

11. THE WHOLE SITUATION WITH JONATHAN BRY. MAX WAS HELPING  
HIM BUT  
THEN MAX GOT TIRED OF HIM SO HE HAD ME DO ALL THIS. I WAS  
HELPING  
HIM WITH EVERYTHING. I WAS HIPPA APPROVED WITH HIS  
SHRINK AND  
I WENT WITH JONANTHAN TO THE DR WITH HIM ALSO HAD TO  
SHOW HIM  
2 DIFFRENT TIMES WHERE HIS TUTOR FOR SCHOOL WAS HE HAD  
TO FOLLOW  
ME TO HIS HOUSE. I HAVE ALSO HAD TO CALL RESOURCES FOR  
LIVING  
ONCE BECAUSE I TOLD MAX EVERY DAY OR EVERYOTHER DAY I  
WAS IN THE  
OFFICE WITH JONAHTAN BECAUSE HE WOULD BE SO UPSET  
CRYING AND  
TELLING ME OVER AND OVER AGAIN HE WAS GONNA KILL  
HIMSELF. I  
WOULD SPEND 2 HOURS OR SO EVERYTIME WITH HIM. MAX  
DIDN'T DO  
ANYTHING AT FIRST SO THATS WHY I CALLED R FOR L. I DIDN'T  
KNOW WHAT  
TO DO. FINALLY I HAD A BIG TALK WITH MAX SO THATS WHEN HE  
FINALLY  
TOOK ME SERIOUS. I WAS JUST PUT IN A SITUATION THAT WAS  
BEYOND OUR  
CONTROL. WE SHOULD HAVE LET SOMEONE OF HIGHER POWER  
DEAL WITH

THIS.

12. IN A YEAR AND A HALF I CALLED OFF 2 TIMES AND THE SECOND TIME WAS

WHEN I WAS WORKING ON THIRD SHIFT BECAUSE ANOTHER ASSISTANT

WALKED OUT. RICHARD WAS ALSO WORKING THAT NIGHT SO I CALLED

RICHARD AND TOLD HIM I HAD SOMETHING PERSONAL I HAD TO TAKE

CARE OF IF THAT WAS ALRIGHT WITH HIM AND HE SAID SURE. I THEN

CALLED MAX TO LET HIM KNOW AND HE WENT OFF ON ME TELLING ME

I WILL GO TO WORK AND FOR ME TO HANG UP AND CALL HIM BACK AND

LET HIM KNOW WHAT TIME I WILL BE GOING TO WORK. I TOLD HIM SIR THAT

WILL NOT BE NECESSARY BECAUSE I AM TELLING NOW THAT I HAVE

SOMETHING PERSONAL TO TAKE CARE OF AND I WILL NOT BE IN. WELL

OF COURSE HE WAS STILL GOING OFF. THEN HE SAID OK. THEN I GET A

PHONE CALL FROM SAMMY ASSISTANT MANAGER HE SAID LISTEN TONJA

I AM ONLY DOING THIS BECAUSE MAX TOLD ME TO. I TOLD SAMMY I UNDER-

STOOD, I KNOW HOW HE IS. SAMMY SAID MAX TOLD HIM TO GO OUTSIDE

OUTBACK OUT THE EXIT DOORS AND CALL ME. HE TOLD ME MAX TOLD HIM

TO TELL ME THAT IF I DIDN'T COME IN THAT IT WOULD NOT BE PLEASANT FOR

ME THE NEXT FEW DAYS. I THEN TOLD SAMMY I FOR SURE AM NOT COMING

NOW. AND I ALSO SAID WHO DOES MAX THINK HE IS TELLING ME THE

SECOND TIME IN A YEAR AND A HALF THAT I CALLED OFF THAT I CAN'T. HE

IS NEVER AT THE STORE. HE IS ALWAYS DOING COUNTY COMMIS WORK

OUR FAMILY THINGS ECT..HE IS ALWAYS GONE. SO ANY WAYS I DIDN'T

GO IN AND OF COURSE I HAD TO HEAR ABOUT IT AS USUALL. THE ONLY TIME YOU COULD CALL OFF IS IF YOU WERE IN THE HOSPITAL-----

THAT IS WHAT MAX HAD TOLD ALL THE ASSISTANTS OVER AND OVER AGAIN.

PLEASE PLEASE PLEASE PLEASE LOOK INTO PLEASE I JUST DON'T  
WANT  
ANYONE ELSE GOING THROUGH THE SAME THING I DID FOR ALL  
THESE YEARS!



Every day at our morning meeting Max threatens us with our job. If we can't do our job he will find someone who can.

We were expecting a visit from David Carmen, for two weeks. He had one hour to one and a half hour meetings telling us how David's stores and fired several Dept. Managers right on the spot for not being perfect.

He has the same length meetings daily telling Dept. Managers Eric will visit us and inspect our Depts. with a white glove. That Eric has also fired Dept. Managers right then if their depts. are not perfect. He has told us that Eric is a career military man and will expect us to be "his platoon" He will expect everything to be ship shape... I have even seen Max go around the store joking about Eric and the military, Max would salute one of his assistants and have that assistant salute back. He would joke about our store being ready for inspection like a barracks.

I have heard Max on the walkie talkies berating the assistants or dept managers for not having something done to his standards. He belittles us in front of others. He has told me "I guess I don't have any managers in this store. I just need to get some new blood in here."

I have seen him ride his assistant managers to the point of tears, then not let them go home until he says they can leave.

When he brought Winona to days to work, it was common knowledge that he intended To make her life so miserable she would have to quit.

When he found out Tonja wanted to leave, he did the same thing to her. Nothing she did made him happy. He was like someone possessed!! He would not stop until he pushed her out of the door.

Max treats Teresa Shanfelter like his personal assistant. He meets with him and the assistant managers every morning, she sits in on all conference calls, makes all the decisions about who receives donations from our store. Community leaders in our areas all know to call Teresa if they want something. They call her Max's assistant. Teresa has her own set of keys to the store and carries them everyday.

I and other employees have seen Max and Teresa eating lunch together in numerous local Restaurants as well as in Subway at the front of the store.

Teresa refers to herself as a member of management. Max has her sit next to him during meetings. Teresa has her own office assistant (Shirley Crank). Shirley works in Teresa's office daily.

Teresa uses Max computer sign on and password all the time. She also signs his name to letters and other papers.

Max lies to us all the time. He tells us he can't hire any help because there are not any applicants who could pass a drug test.

Recently, he told us and quoted to the local paper that "he would hire local applicants because of the local economy being so bad and that he would not hire foreign students".

Now he tells us that none of the local applicants could pass the test on the application.

Max has his favorite people. These few work all of the overtime they want. Teresa Shanfelter is scheduled six days and never has to work a register or be ten feet away from Max.

CSM Terry Collins works when she wants. Talks ugly to other associates. Talks ugly to Customers and Max defends everything she does. He told Maxine that he didn't have time to referee any high school fights and that Terry would not be the one leaving.

Ask you to work overtime, then make you take it off.

no Ims Team. Dept. Mang. have to do both jobs.

No second shift employees.

No one to zone  
No one to cover fitting room

meeting with Tracy & Dawana -

We discussed morning meetings and what the meetings were about. Did I ever feel victimized or threatened after the meetings. Are there any favorites in Max's eyes. (people that get more favors than others) Had I met Eric (market manager) and what did I know about him and his expectations. What were Max's expectations and standards. Did Max treat female management different than male management. Was he harder on females than males? Max has great expectations & standards & and wants everyone to grow & succeed.

Ann McPherson

At approximately 1630 on 12 June 2009, I was interviewed by Market Human Resources Manager Tracey Battle, Market Asset Protection Manager Dawana Riddick, and (near the end of the session) Market Manager Eric Litchfield. The topics covered included, but were not necessarily limited to, my opinion of Store Manager Max Dutton, the nature of department-manager meetings, the state of morale in the store, whether I work overtime, and whether I was — or knew who was — involved in producing an uncomplimentary photo caption pertaining to former Assistant Manager Tonja Moore.

Wynne Doughty 12 June 09

Jacqueline  
dept manager 1A 15  
Store 2000

We are usually in a morning meeting over an hour and 1/2  
we're told things like

"Shame on you..." if you don't fill outs etc.

"Maybe you shouldn't be a dept. manager..."

"This is a warning..." re: pallets in Rec A.

And everything is always followed by

"... but that's not a negative."

"... don't take that as a negative."

Regarding my summer set I was informed that  
"your job is on the line" if it wasn't set by 4pm  
that afternoon.

Several years ago after being phoned at home (after  
my night receiving shift) and having my job  
threatened by an assistant manager, Max asked  
"What do you think I should do about it?"

The condescending remarks he's made over the walkie-  
talkies is unbelievable. He won't use names but he  
makes the receiver of the remarks feel so small  
especially knowing other people can hear what he's  
saying.



I've seen and heard the way he speaks to women assistant managers, And it's in a different way in which he speaks to the men. It's almost like the women have to prove themselves and toughen-up while the men can make sexist remarks, tell "blonde jokes", and be skirt-chasers and that's all alright, and like I said earlier, they can threaten your job while you're off the clock at home.

He allows Teresa S. to also threaten us about overtime, outs, payroll. Time and again she also has given us warnings about the above. Yet she seems to be the one with all the OT.

Several times I've been told "Maybe you should go to the beach." or "It's a nice day outside, why not go to the beach?" If ~~he~~ she thinks we're slacking he'll tell us this. If he believes we're frustrated he'll tell us this. I've been told this twice on my own and once collectively at a morning meeting.

"If you don't come thru that front door with a smile then maybe you shouldn't be here." another quote.

There is no open door policy. Dept. Managers know they can talk with other dept. managers and that's all.

find what we've been told about Eric:

He's walked into other stores and fired other department managers for "not being on the receiving program."

He walks around with a white glove checking shelves for dust.

He threw a fit because a shelf had a dent and should have been changed out.

June 12, 2009

My name is Jean Davidson. I am the department manager of Home Entertainment. I've been with Wal-Mart for 12 1/2 years. The stress placed upon me during the past few months has been unbearable. I have been expected to be the stocker, sales associate, cashier and department manager. I have failed miserably at trying to be all. Many times there is only one person to cover the whole center core; electronics, photo lab, and connection center.

We are constantly threatened with the insinuation of possible job loss if we cannot do our jobs as a department manager. My sales associates are constantly moved elsewhere, leaving myself, and at times nobody to cover the department. Thus, resulting in lost sales and angry customers.

I love my job and department, hate the threats

Thank you,

Jean Davidson

June 12, 09

I Erika Armstrong discussed a few things with Diwana & Tracy today. We talked about the morale of the employees around here. Which I said it was down because the Dept. Mgrs. feel like what they do is not enough. I told them I don't really have a situation personally with Max but listening to other Dept. Mgrs. a lot of them feel like their jobs may be in jeopardy every day.

On Friday, June 12, 2009 I was questioned by MHRM Tracey Battle and MAPM Dawana Riddick pertaining to different situations in the store. I was asked a variety of questions from past and current situations that occurred in the store. I answered all of their questions to the best of my ability and knowledge. The entire investigative questioning took about 55 minutes. I was told not to discuss any of the conversation with anyone and I understand this direction and will follow it as directed.

Teresa Shanefelter

A handwritten signature in black ink, appearing to read "Teresa Shanefelter". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.



I feel that Max uses the district managers to intimidate associates. He uses examples and makes statements regarding the district manager as being strict and ready to terminate anyone who is not fulfilling their department manager duties 100%.

I think these threats promote poor morale among associates as well as unnecessary stress. Personally, the morning meetings make me feel reluctant to go back to work with a smile and a positive attitude thus resulting in poor customer service.

I also feel Max has too many responsibilities outside of Walmart. I shouldn't make assumptions but I've heard him on his cell phone numerous times talking about things that didn't seem Walmart related. I've also never seen him walking the store any other time than in the morning before 8am about once a week. Everytime ~~that~~ I see him he is in his office in his chair talking on the phone. I can tell when he's talking in the morning meetings about the store, that he hasn't actually walked the store in a while. I would just like to see more concern for the store and its associates from the store manager.

  
Eric Appleton

Berry R. Mallory

I'm writing this Statement  
explaining my feelings & views on  
what is happening in our store &  
the treatment of Associates by  
our store mgr. Max Dutton.

He's never been mean to me face  
to face but in Department mgr.  
meetings we are really beat down  
It seems that nothing we do is  
ever good enough & our jobs are  
Always on the line. Then he uses  
Quotes like but this is not a negative,  
well yes it is. How can we give our  
greatest customer service after sitting  
through an hour of negativity. I like  
my job & don't want to see anyone  
get in trouble but these things  
should be stopped before the morale  
in the store is at 0. Thank you

The morning meetings ARE negative most of the time. We feel we ARE not worthy of all the hard work we do at times. And if we ARE not capable maybe we do not need to be working here. That Eric is nice all in all but feels nine dept mags do not need to be in their positions. I feel we have some of the best there is and we all (dept mags) look after each other cause we are some of the best. We are all in the same boat trying to pull alot of the weight because we are so short handed. Some people get more hours than others which is OK as long as others hours are not being cut it! OK. Women are at a different level in this store. And some Dept mags take it hard and say I let them know its OK and you can not loose your job because you are working and doing your job the best you can with what we have here. Also that Eric could work in here and give us if he wants to for 1 missing strip or one flag missing.

6/12/09

my feelings about max are over coming out in  
a good way. I'm tired of being threatened, called a loser  
so many words, that nothing that's done is good except  
when there is only one person in the area. It's like  
if it's not done in the secret then your job is on  
the line. After your told that day in & day out you don't  
feel like doing your work. I use to love coming to  
work. We were all happy & have fun doing our  
work and Everything. Calan's got done (when your  
in a good mood). But when your **pot** down all  
the time. You don't want to do anything. It's like  
what ever happens in the store 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> shift and  
weekend's when Dept mag are not here. It's our  
fault no matter what. Sales, Empty holes (cuts) Destruct  
a person can only do so much w/ what we have. I  
have to promise my kids everyday that mommy will  
keep their job. Some days it's really hard not to  
work out. He wants us to be afraid of Erick. He's all  
ways saying that if this is not done **by** such as such  
day then our job's are on the line. Negative after  
negative. I'm just tired of not being able to do  
my job right. It's always the hardest thing that have to  
get done now. I love to be busy, busy but not  
when I'm not doing all the time. It doesn't work  
well. Then nobody's happy not your Dept mag.  
so down. Then it goes to your customer. etc.  
not good.

What's your  
for licensing *[Signature]* **Chad Dept 25**

The meeting was about the moral in the store.  
If Teresa S. sit in on Conference calls,  
was I allowed O.T. Attending Morning Meetings  
~~Did was~~ feel Max was powerful.

Sharon Flowers



We talk about some CSM having  
set days off.

Also about certain people have all 7-4 shifts and  
no weekends.

talk about store morale being low, I think  
that's because of the shortage of asse. in store  
and yet we are expected to make sure the  
work is done.

being told, because the front end score card is  
low that ~~our~~ jobs are on the line - when  
the problem is we have no help.

Ben T

In the interview on June. 12, 2009 I was asked ~~about~~ questions about our manager Max Dutton. I was asked about threats during morning meeting, I told them that ~~that~~ I do on some days feel threatened. I was also asked about morale in the store. I told them that I felt store moral was down and no one wanted to interact in store meetings ~~no one~~ ~~no one~~ ~~no one~~ ~~no one~~ I feel that what we do in this store will never be good enough. After talking to other associates over the past couple months I am not the only one who feels this way. Outside of the store Max is a good person but when 7am Monday morning comes he is a different person completely. Thank you, and this investigation was well deserved.

JAMES SAUNDERS

6-12-09

My conversation about "Max" He  
is a Motivator He Need to Show  
is Support to his Team and Not  
let them down And don't lie to  
them.

June 12/09

Inacy and I talk about my job, and what was going on at store 2000, and how I felt about it. I told Inacy that every thing that happen at the store is our fault. he talk down to woman, and if you ask him anything, he dese not answer or he will change the ~~subject~~ subject when I came to work here, he was not like that, he has changed and is not the same man. But as a person I like him. He is not fear as a manger, some time he ask if he don't care and we can't get any help.

Susie A Muller

June 12, 2009, I was interviewed by Tracy Battle and Dawana about my store manager Max Dutton. She had questions about if I felt intimidated by Max, she wanted my opinion of Max. She asked how long I had been at Wal-Mart. She wanted to know if I felt threatened. She asked about morning meetings and what we talked about. We talked about my personal plans for the future. She asked if I took the associate survey. She thanked me for my time.

Thanks  
Ghysl Herron



On 6-12-09 Tracy & Dawana  
called me in the managers  
office for a discussion  
about the following subjects:

Map Dutton

Art (Raffle

Vendor donations to CMN

Mprale

Marie Lagundes

I have spoken to Tracey & Dawane,  
about the conditions in the store  
morale & help. Representation  
of things that happen in here  
if you are concerned about  
your job. Peter Wiley

When I first came here Max would make comment about the way the store looked. ~~It~~ Or the Back Room.

If there was any Freight on the floor he would comment on that.

Debbie Beavers Max, Myself had a meeting about what we needed to do to get the back room on the program. She got upset and started crying. I don't feel Max did anything wrong then.

There was a man sitting at a table up front raising money for CMV.

Clayton P. Sam

(1)

Thursday, June 11, 2009, 5:15 PM - 7:15 PM  
Ramada Plaza Hotel  
Kill Devil Hills, NC Room 216

Tracy Battle, Dawana Riddick  
Eric Debbie Gibson, Kim  
Brant,

I met with the people above to  
tell them about the working conditions  
at Wal Mart #2000 and to tell them  
about my concerns about the ethical  
conduct of Store Manager Max Dutton  
and Invoice Clerk Teresa Sharfelter.

1. Max threatens Assistant Managers  
with their jobs, saying "he needs  
new blood in this store". He has  
them work from 8 PM until 9 or 10 AM  
the next morning, telling them they  
can not leave until he says so.  
He belittles them in front of other  
associates and on the walkie  
talkies. Everyone hears him.

2. May threatens Dept. Managers daily, in our morning meetings. "He tells us "if you can't do your job, I will find someone who will," or "if you don't want to do your job, you can step down and ~~he~~ I will find someone who wants to work." He tells you "if you need help to ask" and then he berates you for asking.
3. May gives Jerisa Sharfelter the authority of a co-manager. She has keys to everything in the store - she attends all management meetings, and conducts some morning meetings. She is at his right hand constantly (literally). ~~a~~
4. I have seen them having lunch together at Guizmo's or Henry's more than a few times.
5. People in the community, think of Jerisa as ~~an~~ May's Assist when they can not speak to him, they ask for her.
6. She controls all of the donations and gets Wal-Mart grants for a lot of Outer



Bank's civic organizations.

7. Teresa answers all of Max's phone calls.
8. She has his computer sign-on and answers all of his mail. She finalizes all of the store counts and prints all of the store reports.
9. Teresa signs Max's signature on store documents and correspondence.
10. Teresa works from 7 AM until 7 PM six days a week.
11. Shirley Clark works in Teresa's office doing Teresa's work so Teresa can be with Max.
12. Max will not hire the help we need in our store. He has people working out of their areas to cover necessary places.
13. Dept. Managers have to work cash registers, do IM's work, work freight, give their depts, keep up their bins, do price changes, work modulators, cover the fitting room and other service areas.

14. Over the years Max has had Art Slidden represent our store and sit at a table in front of Ladies wear asking for money (selling raffle tickets) for CMN. Art wears the Wal-Mart Cloths (navy & khaki) he has his own name badge.

15. During a fund raiser for the family of a deceased child, Art was working the Bake Sale Table with me. We had raised about \$1,000 that day. Art ask me how much money had been raised, then told me Max had promised him half of the money! The next morning Max and Assistant Manager Larry called me to the Manager Office and began to tell me how wonderful Art was and how much money he had helped our store raise on behalf of CMN. Max told me he had checked with Wal-Mart Legal Dept. and that he could disperse the funds any way he wanted. Teresa Shanafelter had also acquire matching funds

Art

from Wal Mart. I think the family received \$1,000 and Art received \$1,000.

16. On June 9<sup>th</sup>, 2009, May and Teresa Shanefelter call me to the Managers office and wanted suggestions for raising money for CMN. May told me we had until June 14<sup>th</sup> to raise \$7,500. May said the only way he could raise that money, that fast was to call the Wal-Mart vendors and ask for money. He ask for phone numbers and Teresa called asking for donations. May said he had talked to one vendor who agreed to send money, but wanted more merchandising space in the store. The next morning Art Glidden was back in the store with his table in front of Ladies wear selling raffle tickets for a \$500 Wal-Mart shopping card. Art told me he would be there thru the 14<sup>th</sup>.

17. May has his favorite people in our store. These people are allowed to work all the overtime they want, they get any schedule they want, and they are allowed to treat other associates

(6)

like dirt. These associates are  
Deresa Sharfelter - Invoice Clerk  
Shirley Crank - Receiving Clerk.  
Jeri Collins - Head CSM  
Ann Mc Pherson - Joy Dept Manager  
Jennifer Beaman - Overnight Receiving  
Miles Riddick - 4<sup>th</sup> 1<sup>st</sup> un-leader

18. Recently one of our Cashiers (Maxine) came to me very upset about the way Jerri Collins was treating her. She had taken the problem to May on two separate occasions. The second time he told Maxine "if she brought Jerri back to the office again, it would not be Jerri to get fired it would be Maxine."
19. May has been very disrespectful to Eric Litchfield. May has made fun of Eric's military service. He told ~~top~~ Dept Managers that we are now part of a Platoon and that Eric would come to our store for an inspection. That Eric would wear a white glove and fire any Dept. Manager who did not have their Depto. spec and span.

20. Max told the Dept. Managers that Eric was going to send in the "Tiger Team" to show us how to take care of our Depts, to show us how to fill all of our outs. Max and Sammy go around the store saluting each other. Max said "You don't want the Tiger Team" to go through your Department. You might not have a job after that."
21. Max lies to the associates, to our customers and to the general public. He was quoted in the Coastland Times Newspaper recently saying "At Wal-Mart we hire only local people and do not hire foreign students until the local applicants have been hired"

In closing I will say that Max has made being at Wal-Mart a chore. The moral in our store is so bad. We can not keep assistant Managers because he treats them so bad. We have lost good employees because of the way he treats people and not having any help.



Everyone has been reluctant to bring this situation to the attention of the Market Team, because we have been afraid of getting fired. With May it is his way or the highway. If you cross him he will make your life a living hell. He will have a way of getting rid of you.

I have seen him do that to a number of assistant managers. When we have visits from the Market Team or Regional visits. May and Teresa Shanefelter tell how to act and what to say. He keeps our visitors busy so they do not have time to mingle with Dept. Managers. May is prejudiced against women, Blacks, Hispanics, Overweight people and a number of others. I have seen him talk down to these people and to make fun of them. He has told Dept. Managers that members of the Market Team are stupid and do not know what they are doing. He says he will run our store the way he wants,



(9)

and that every time we change Market Managers it takes him a little while to teach them about how to run our store. Just last week he told Dept. Managers he was training Eric and that he was ask by Eric to visit other stores in the market and teach them about their P+L report. He told us that our store would be okay, because he had just about trained the new Market Team how Kitty Hawk operates.

Diane Harris  
Dept. 34-36 Manager  
Kitty Hawk, NC  
Store 2000

Call Art <sup>Glidden</sup> 7-6-08 at 3:06pm.

I have done it so many times,

you will need to check with Mar about how many times

I have my own fund raiser call ~~Christmas~~ <sup>Christmas Joy fund</sup> but I don't collect money  
in the store. we do the fund raisers outside away from the dogs.

I ~~usually~~ <sup>normally</sup> do about 8 hours a day. Every day if they want me to  
I do the weekend also

The last one I did it was for 14 days

Danone Riddick

7-14-09 4:45PM Tracey + Dawang  
Called Art Gidden

who did the drawing. - a kid that was in the store  
Don't remember who he gave the ticket to after it was ~~pull~~<sup>pulled</sup>  
Did drawing right in front of the table.

Every time we have ever done the drawing we use a child that  
is in the store.

Drawing was done at 4:00pm

7-7-09

I was asked about \$500.00 Donation for CMN. The check was given to me by Teresa Stanfeter. She told me to put in CMN Donation account. I keyed it in under CFT 110035 and put check in cash drawer. I have seen other \$500.00 check for CMN Donation. I don't remember name on check I think it was John but not sure.

Aut, only know him from doing fund raising up front.

Anita Elmer  
7-7-09

Melissa Hutchins -

1:48p 7/7/09

- +Coppertone Rep\*

- May says we can't take that check -  
so take it out of the store -
- ~~reported~~ Melissa - we picked it up
- did we mail / or bring the check
- who did you ask?
- \* May told her to take the check back
- \* Check came to store
- \* Melissa took check out of store -
- \* Mailed it back to company
- \* In Memo - Mailed to the store & so things
- \*

Appt: WK 17-18-2009

The Coppertone Rep: for Store 2000,  
Melissa, came to me and asked.  
How much money do I need to ask for  
from my Company, for a donation for CMTA<sup>re</sup>.

Max, asked me, to get a donation  
from Coppertone for CMTA<sup>re</sup>, But, I don't  
know much he wants me to ask for.  
I advised her to talk with Max  
because I don't know. I don't deal with that.  
So she went to see Max.

Debbie Gibson  
7/22/09



On Sat 6/13 May came into the accounting office talking very loud — saying "don't tell me your afraid of them". "Have they got you all scared"? It's just that <sup>Ginona</sup> Skypona and Loujas stirring up all kinds of trouble, saying they were mistreated.

He asked me if I thought they were mistreated. I said, "you were pretty rough on them at times". I said "you asked me, I'm telling you the truth. He said OK.

Then he asked me if Tracey & Dawana asked me about the \$500.00 check that was put in to CMN account 165. I said yes but I was not here, I was off that day. He said did they ask Anita and I told him Anita was not here, she was off Friday. I said I don't even know who the check was from. He said it was from Michael. I said was it a

vendor check and he said  
yes he is a vendor.

He said it should have  
been put in the incubator  
as that's what it was —  
a donation to C.N.V.

He then asked how it was  
going in the accounting office,  
if everything was balancing  
and I told him yes and  
he left.

Marie Fagundes

TRACEY BATTLE

I WAS ASKED ABOUT MAX AND I TOLD THEM I DIDN'T HAVE ANY PROBLEMS WITH MAX. THEN I TOLD THEM THAT THE ONLY PROBLEM I HAVE IS WITH THE O.T. THAT ONLY CERTAIN ONES GET TO KEEP IT AND THE OTHERS HAVE TO CUT IT. IF YOU ARE GOING TO MAKE ONE CUT O.T. MAKE EVERYONE CUT IT. DON'T SHOW FAVORITISM.

THE SHEET THAT WAS GOING AROUND TO VENDORS FOR CMN, I DID NOT KNOW THAT IT WAS WRONG, BUT I DID GIVE OUT 3 AND IT WAS TO RAISE MONEY FOR CMN. WITH STANLEY WORKING NIGHTS I WORK IN DIRECTS/DSD AT LEAST 3 TO 4 TIMES A WEEK AND I ENJOY IT BUT WHEN THE POSITION WAS OPEN AND I WAS INTERVIEWED I WAS TOLD THAT I HAD THE POSITION BUT MAX HAD OVER HEARD THAT IF HE PUT SHIRLEY IN DIRECTS THAT STANLEY WAS GOING TO CONTINUE TO WORK NIGHTS WORKING ON CLEANING THE FLOORS BECAUSE HE REFUSE TO WORK WITH SHIRLEY. SO MAX WANTED TO KEEP STANLEY ON NIGHTS DOING THE FLOORS SO HE PUT SHIRLEY IN DIRECTS AND I DID NOT GET THE POSITION AND WHICH I DID NOT THINK WAS FAIR TO ME WHEN I WAS TOLD BY KIM WHO SAID THAT SHE HEARD I HAD THE POSITION BUT TERESA STOPPED IT. I FEEL ALSO THAT TERESA STOPPED IT BECAUSE SHIRLEY HELPS IN THE OFFICE. WHEN SAMMY INTERVIEWED ME HE TOLD ME THAT I WAS THE MOST QUALIFIED AT THE TIME BUT IT GOES BACK TO MAX HAD OVER HEARD THAT STANLEY WOULD NOT WORK WITH SHIRLEY AND THAT HE WOULD GO OVERNIGHT. SO MAX LIKED THE IDEA THAT STANLEY WOULD WORK OVERNIGHT TO CLEAN FLOORS SO HE PUT SHIRLEY IN DIRECTS. AS IT IS STANLEY WORKS NIGHT WHEN MAX WANTS THE FLOORS CLEAN AND WHEN THIS HAPPENS I WORK IN DIRECTS AND OTHER TIMES WHEN STANLEY IS NOT ON NIGHTS I WORK WHEREVER THEY NEED ME.

AS OF RIGHT NOW STANLEY HAS BEEN ON NIGHTS FOR ABOUT A MONTH OR MORE AND I HAVE BEEN WORKING IN DIRECTS 3 TO 4 TIMES A WEEK. STANLEY HAS SAID THAT HE DID NOT WANT TO GO OVERNIGHT PERMANENTLY BECAUSE HE WOULD LOSE PAY THAT IS THE REASON HE WORKS DIRECTS SOME OF THE TIME.

*Mark Sawyer*

7-8-09

7-7-9

To Whom It May Concern

Max called me - asked me to help him out with raising money for CMTL. I said sure and he said that he would have some flyers made up to hand out. I got a few of them and only gave out a couple of them to vendors - one to Fritz Ray - mgr. Scott. He wrote on the sheet the amount and passed it back. I put it on the desk in the Mgrs office. I gave one other out. Not sure of which vendor. The rest of them I threw in the trash. I mostly just jokingly asked a few of the vendors if they would be willing to help raise money for CMTL.

Thank You  
S. Crank

6-12-09

Today I talked to Tracy about things concerning the Store. I told her that I think the morale of the ~~State~~<sup>dept mgrs.</sup> are down because we really do not feel appreciated enough. We do the work of 10 people but that's not enough. We do our best with what little help we have.

As for Max, he doesn't ~~intimidate~~ me but at times I feel like my job is on the line.

Thank you  
Cheryl Mitchell

6-12-09  
Ie talk about some CSM having  
set days off.

Also about certain people have all 7-4 shifts and  
no weekends.

talk about store morale being low, I think  
that's because of the shortage of asse in store  
and yet we are expected to make sure the  
work is done.

being told, because the front end score card is  
low that ~~our~~ jobs are on the line - when  
the problem is we have no help.

Ben T



From: Sharon Wade [Redacted]  
To:  
Date: Monday, August 10, 2009 10:01:34 AM  
Subject:

MARKET MANAGER ERIC.

MY NAME IS SHARON WADE, I HAVE WORKED FOR WAL MART FOR A LITTLE OVER FIFTEEN YEARS. THE FIRST FOURTEEN AT STORE 2000 KITTY HAWK, N. C.

FIRST I WOULD LIKE TO SAY THAT THE ASSOCIATES IN THAT STORE ARE WHAT WAL MART STANDS FOR. THEY ARE THE BEST TEAM PLAYERS AND ARE THERE FOR EACH OTHER WHEN THINGS GET TOUGH. IT IS A SHAME THAT THEY STILL HAVE TO WORK UNDER THE TYRANNY OF MAX DUTTON. EVERY THING THAT YOU HAVE HEARD ABOUT WHAT GOES ON IN THAT STORE IS TRUE. HE HAS HAD TOO MUCH POWER OVER THESE PEOPLE TOO LONG. ONE REASON HE THINKS HE CAN DO WHAT HE DOES IS THAT WAL MART IS ONE OF THE ONLY FULL TIME EMPLOYERS IN THE AREA. THIS IS A SEASONAL AREA AND THERE ARE NOT A WHOLE LOT OF FULL TIME EMPLOYERS.

WE HAD TO ENDURE DAILY HOUR MEETINGS OF THREATS AND INTIMIDATION FOR YEARS. HE WAS ABLE TO SAY THE SAME THINGS OVER AND OVER AGAIN TO GET HIS POINT ACROSS. HE ALSO HIRED MALE ASSOCIATES IN AT MORE MONEY THEN FEMALES DOING THE SAME JOB OR POSITIONS. HE TREATED THEM BETTER THEN THE WOMAN. HE WOULD RIDE US OR EXPECT MORE FROM US. HE HAD ME IN TEARS NUMEROUS TIMES OVER THE YEARS.

WHEN WE HAD THE FOREIGN KIDS WORKING IN OUR STORE THEY WERE TREATED LIKE THEY WERE THE BEST THING IN THE WORLD. THEY WERE ABLE TO GET AS MANY HOURS AS THEY WANTED. WE WERE NOT ALLOWED TO GET A CLICK OVER OUR TIME. IT WAS LIKE THEY COULD DO WHAT EVER THEY WANTED AND DID NOT HAVE TO FOLLOW WAL MART POLICY. MAX DUTTON POLICY.

WHEN MR. DUTTON STARTED WORKING FOR THE COUNTY YOU NEVER SEEN HIM IN THE STORE MANAGING IT. I HAVE ALWAYS WONDERED HOW HE JUSTIFIED HIS SALARY. IT WAS LIKE HE WAS STEALING FROM THE COMPANY AND GETS AWAY WITH. IT LIKE IF I CLOCKED IN AND LEFT THE STORE AND CAME BACK LATER TO CLOCK OUT.

WHEN I DECIDED TO LEAVE AND COME BACK HOME TO THE MID WEST, I WAS SO AFRAID THAT I WOULD DO SOMETHING THAT DID NOT PLEASE HIM AND WOULD NOT BE ABLE TO COME BACK TO MY FAMILY. HE HAS HAD ASSOCIATES COACHED FOR ROLLING THEIR EYES OR MAKING A BODY MOVEMENT THAT HE DID NOT LIKE OR SAYING SOMETHING THAT HE DID NOT AGREE WITH.

HE WOULD ALSO THREATEN US WITH OUR JOBS. THAT IF WE DID NOT LIKE SOMETHING THAT WE COULD LEAVE AND HE WOULD EVEN HELP US LOOK FOR ANOTHER JOB.

THE ASSOCIATES IN THAT STORE IS WHAT SAM WALTON STOOD FOR, TEAMWORK AND FAMILY. THAT STORE WOULD BE NOTHING WITHOUT THOSE PEOPLE. AS BUSY AS THAT STORE IS HE CONTINUES TO RUN IT WITH THE SAME NUMBER OF PEOPLE.

THANK-YOU  
SHARON WADE  
KENOSHA WISCONSIN  
STORE 3891 WAUKEAGEN ILL.

*Sharon Wade*

Re: The \$500.00 Shopping  
Spree raffle.

On 6/14 I took 500.00 from  
the raffle money and purchased  
the shopping card.

When I left work that day  
I stopped by the table where  
Art was doing the raffle  
and told him I had the  
shopping card in the Accounting  
office and when they got  
ready to do the drawing to  
let Sammy know and he  
would get it.

I said we only had \$3.44  
left and he said well  
look here and took out the  
money and counted it. I  
thought he counted \$61.00  
but when it was brought  
to the Accounting Office and  
Anita counted it there was  
only \$50.00.

Marie Tagundes

June 23, 2001

To Whom It May Concern:

Today Around 3:30 p.m. to 4:30 p.m. I saw Teresa Sharfetter in the Managers Office on the Computer, looking at and answering e-mails for May Sutton. I found it odd that when I tried to enter the office, to get something out of my filing Cabinet, the door was locked. I had to use my key to get into the office and that's when I saw Teresa on the Computer.

Later on at Around 5:15 p.m. Assistant Manager Sammy came over the walkie and asked Teresa to clear out the letter to the President for him. She said, yes sir.

Assistant Manager  
Mary L. Nelson

6/27/09

I will Try To Find out more about drawing for CMN. I was here that Day & never heard over the intercom that they were drawing a Ticket & Never Heard an announcement as to who ~~the~~ the winner was. And usually it is very publicized A Big deal is made.

The ticket is not here

The Customer who won is Tammy Nichols who leases the building & runs Art's Place. It is to my understanding that Art doesn't having an interest in the business anymore but he does hang there & still acts like he runs the place or at least can do what he wants while there. I had been Told that Tammy & the co-owner at Art's Place Take care of Art. (not sure how)

Tonja would have more insight on that she use to work there <sup>I think</sup> & she spent a lot of Time there & Knows all of them very well.

Kevin

Message

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**From:** Anthony Taylor - astaylo.s02393 [/O=WAL-MART/OU=STOREMSG/CN=US  
RECIPIENTS/CN=ASTAYLO.S02393633758170023644558]  
**Sent:** 6/12/2009 8:04:02 PM  
**To:** Tracey Battle [tracey battle]  
**Subject:** Statement  
**Attachments:** Tracey.doc

Tracey,

Attached is a statement about the situation you requested. My cell number is listed below and feel free to call me. I'll be here at the store for another few hours if you want to reach me here.

Thank You,  
Anthony S Taylor  
Fresh Area Assistant Manager Store 2393  
Store: (405) 794-2724  
Cell: (405) 426-0852

Tracey,

My time at Kitty Hawk, NC Store 2000 was an interesting 14 months to say the least. At times, I really enjoyed myself, but just like any other store, it had its ups and downs. I'm not saying that store 2000 is like every other store, because it isn't.

Max Dutton is a very demanding individual. Max demands perfection and therefore he expects perfection. In order for him to get the results he is looking to achieve, he pushes management and the associates to the brink of frustration and very high stress levels. I remember a quote that he told me when I got there about "You have to carry out all the dirty work and be the bad guy because I have to be the one that they come to and complain and be the good guy."

Max expected his assistants who opened to have the tapes changed, gun logged signed off, and a tour of the salesfloor, backroom, and perimeter of the building with the night assistant before he got there at 7:00am Monday thru Saturday. That meant that you had to get there about 6:30am every morning even though you were scheduled at 7:00am. You were scheduled till 5:00pm if you were the opening assistant, but if you left before he did no matter how long he stayed, he made you feel guilty for leaving at your scheduled time. The closing assistant was expected to arrive 30 minutes earlier than what they were scheduled to set a good example for the associates. He does not include himself in the schedule, so when we were an assistant short, since we only had 2 on days and 2 on nights, in order to give the other assistant a day off, we were expected to work open to close.

The mornings were the most stressful point of the day. He would walk the store and yell out 12 different things that needed to be done and 2 minutes later come bsck over the walkie and ask different hourly associates if they could do it since his management team couldn't get anything done. I bet that there are about 30 associates who have a walkie and hear



the verbal abuse that is given by him day in and day out. He does not respect the "Management Routine" program that is expected of all the assistants. He asked about an umbrella that was hanging lower than the others and replied that I noticed it and that I put it on my notes. This was at about 7:05am one morning and he came back and YELLED at me over the walkie that I shouldn't have to write a note down that I should just fix it then! He was with Tonja at that time and she told me that after he said that, he walked up to a piece of trash and asked if he should put it on the notes to pick up that piece of trash.

I did see a difference about the way he treated females and male management. The males got a little more slack than the females. It got to a point where we kind of knew when he was going to be in a good mood or a bad one by who was going to be there in the mornings.

There was one individual that received favoritism on a regular basis. Teresa Shanefelter, the invoice associate, was pretty much regarded as our co-manager in a since. She read and sent all of his email, gave us direction from him, and sat in on all of the conference calls. She worked as many hours as we did and we worked anywhere from 60 to 75 hours a week. When he would go to lunch, most of the time she went with him.

The man has a wealth of knowledge about merchandising and is a wonder with words. He does care about his associates and tries to take care of them when they are in a time of need. I learned a lot from this man in many different aspects. However, there is many things that he did that I didn't necessarily agree with and wished that he would change.

Anthony Taylor